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**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF RECEIVED  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court	District	2007 SEP 14 P 12:00
Name (under which you were convicted): <b>Ricky Wade Murphree</b>		Docket or Case No.: DEBRA P. HACKETT, CLK U.S. DISTRICT COURT MURKIN, DISTRICT ALA
Place of Confinement:	Prisoner No.:	
Petitioner (include the name under which you were convicted) <b>Ricky W. Murphree</b>		Respondent (authorized person having custody of petitioner) <b>State of Alabama</b>
The Attorney General of the State of <b>Alabama</b>		

PETITION

2:07CV832-MHT

1. (a) Name and location of court that entered the judgment of conviction you are challenging: \_\_\_\_\_

**Autauga County Circuit Court,  
Prattville, Alabama**

- (b) Criminal docket or case number (if you know): \_\_\_\_\_

2. (a) Date of the judgment of conviction (if you know): \_\_\_\_\_

(b) Date of sentencing: **August 25, 1998**

3. Length of sentence: **1 year and 1 day Split**

4. In this case, were you convicted on more than one count or of more than one crime? Yes  No

5. Identify all crimes of which you were convicted and sentenced in this case: \_\_\_\_\_

**Criminal Mischief I**

6. (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	Until <i>Clerked</i>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>		(4) Insanity plea <input type="checkbox"/>

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

Plead Not Guilty to Criminal Mischief I  
Until Coerced to plead Guilty.  
(Was advised by Att. David Zimmerman to plead to a Misdemeanor).

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury  Judge only  No trial

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes  No  Was not allowed to - ever!

8. Did you appeal from the judgment of conviction?

Yes  No

9. If you did appeal, answer the following:

(a) Name of court: Court of Criminal Appeals

(b) Docket or case number (if you know): CR-97-2376 (2376)

(c) Result: Trial Court affirmed

(d) Date of result (if you know): April 30, 1999

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: Trial Court abused discretion in not allowing me a hearing on my mental condition at time of offense charged; Was raised intently manner B4 sentencing.; Coercion was raised; Medical records were shown to Judge Reynolds, - Due Process was denied; Evidence was raised of abuse to me by brothers (Unequal protection (Raised again Feb 10, 1999 + May 14, 99). Defect Me. Indictment of law).

(g) Did you seek further review by a higher state court? Yes  No

If yes, answer the following:

(1) Name of court: Alabama Supreme Court (Writ of Certiorari)

(2) Docket or case number (if you know): 1981619

(3) Result: Affirmed trial Court \* NO OPINION !!

(4) Date of result (if you know): 10/15/1999

(5) Citation to the case (if you know): Bui vs State, Griffith vs. State, Ware vs. State,

(6) Grounds raised: I plead not guilty in arraignment (Feb 20, 1998)  
"Unequal Protection of law" - brothers assaulted + harassed (page 4)  
had family members trespassed off by deputy (page 4) -  
(Stay off property or face prosecution for trespass (page 5) .  
(Coercion - page 7), Mental Disease or Defect plea was  
denied although evidence was on the record - Dr's Names  
were presented. "C.J.S., Criminal Law Section 421(3)(1961)

Dobyn v. State  
Robinson v. stat  
Wharton v. ST  
Code of Ala; 1975  
Section 13A-3-1 (a)  
Code of Ala.,  
1975, Section  
15-16-2

Feb. 10, Application (page 9 of Writ of Certiorari - COERCION) -  
1999 for Rehearing  
Also Reply Brief 5/14/99 n Where the evidence as to whether the plea was entered through  
FEAR, DURESS, MISUNDERSTANDING, OR IMPROPER INFLUENCE.., the  
better practice is to permit the plea to be withdrawn.

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes  No 

If yes, answer the following:

Could not afford the 300 dollar fee.

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

With Direct Appeal along

Yes  No 

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Alabama Court of Criminal Appeals + Ala. Supreme Ct.  
 (2) Docket or case number (if you know): CR-97-2376 + 2) 1981619  
 (3) Date of filing (if you know): 16/3/99 + 2) July 3, 99  
 (4) Nature of the proceeding: 1) Copies of Medical Records sent on behalf of me by wife  
2) Supplemental brief of corrected dates + facts (+ Bob Martins filing).  
 (5) Grounds raised: \_\_\_\_\_

See paper entitled "Supplement to Habeas,  
page 41, section # 11 (5)

~~EXTRA ENCL OSURE~~

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes  No 

Affirmed Lower Court

(7) Result: Affirmed Lower Court(8) Date of result (if you know): April 30, 1999 + 10/15/99

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Middle District of Alabama, Montgomery(2) Docket or case number (if you know): 99T-1356-N(3) Date of filing (if you know): November 14, 1999(4) Nature of the proceeding: Habeas Corpus(5) Grounds raised: 1) Guilty Plea by Coercion; 2) Trial Court Colloquy  
didn't comply with AR GP; 3) Ineffective Assistance;  
4) Defective Indictment; 5) non representation of  
Attorney within 30 days of arrest;

these 2 briefs in  
support of were  
filed during  
Direct Appeal

Next Step  
Federal  
Habeas

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes  No *(Case dismissed so I could exhaust State Remedies (without Prejudice))*

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): Feb. 2, 2000

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: Antioch County Circuit Court(2) Docket or case number (if you know): 98-CR-124.60(3) Date of filing (if you know): 4/26/00(4) Nature of the proceeding: Rule 32(5) Grounds raised: 1) Denied Preliminary Hearing; 2) Judge's Colloquy Not Compliant; 3) Conviction Obtained by Coercion; 4) Unethical behavior Between Sheriff + Judge; 5) False Charge on Record; 6) Ineffective Ass. of Counsel; 7) Unequal Protection of Law; 8) Detective Indictment; 9) Newly discovered Facts.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes  No (7) Result: Denied(8) Date of result (if you know): September 12, 2000

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes  No (2) Second petition: Yes  No (3) Third petition: Yes  No 

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

*had filed a writ of Mandamus ordering the lower court (Court of Appeals) to make rulings on several issues they refused to address.*

**PLEASE NOTE: Pages 10-13 are in reference to this Specific Appeal.**

Page 6

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**The following is in reference to the 4 issues Granted Certificate of Appealability**

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

**GROUND ONE: Coercion**

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

This court denied a Certificate of Appealability.  
11th Circuit Granted a Certificate of Appealability on this specific issue (as well as 3 others) - however stated we had not exhausted state remedies.

**FACT: The 4 issues 11th Circuit granted a Cert. of Appealability for, WERE exhausted on Direct Appeal in 1998 + 1999.**

- (b) If you did not exhaust your state remedies on Ground One, explain why:

They WERE Exhausted in Direct Appeal

(c) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

- (2) If you did not raise this issue in your direct appeal, explain why:

\_\_\_\_\_

(d) Post-Conviction Proceedings:

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed: Autauga County

Circuit Court, Prattville, Ala.

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

✓

**PLEASE  
NOTE**

**ADDITIONAL  
PAGES OF  
ISSUES**

**Prom Rule 32  
on APPEAL  
WITH THIS PLAIN  
Pages**

**"10-13"**

**of EXHIBITS**

*The following were all exhausted on Direct Appeal*

**①**

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
 \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes  No

(4) Did you appeal from the denial of your motion or petition?

Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: A.L. Court of Criminal Appeal

Docket or case number (if you know): CR-97-2376

Date of the court's decision: 4/30/99

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
 \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:  
 \_\_\_\_\_  
 \_\_\_\_\_

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

Direct Appeal, Petition for Rehearing, Petition for Writ of Certiorari, 2 motions in support of

Mental Disease of Defect - Denied (Attorney failed to + refused to enter this plea until 2nd Attorney was hired)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

Court App. Attorney, David Zimmerman filed incorrect + OJD Arraignment + plea papers which did not state I could plea "Not Guilty by Reason of Mental Disease or Defect". Judge also left this off his colloquy.

2nd Attorney, that I hired, requested Mental Health hearings, entered Plea of Not Guilty by reason of Mental Disease of Defect, and Judge denied both the right to change my Guilty Plea, as well as denied me a Mental Health hearing.

(11th Circuit granted Certificate of Appealability on this issue as well as 3 others).

(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

I DID on Direct Appeal

(c) Direct Appeal of Ground Two: \_\_\_\_\_

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No (2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

\_\_\_\_\_

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No 

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32Name and location of the court where the motion or petition was filed: Autauga County  
Circuit Court, Prattville, Ala.

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): Denied

(3) Did you receive a hearing on your motion or petition?

Yes  No (Same proceeding wherein 25  
witnesses were subpoenaed &

(4) Did you appeal from the denial of your motion or petition?

Yes  No 

9 failed to show -

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No Judge refused to find them in  
contempt of court

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Ala. Court of Criminal  
Appeals, Montgomery, Ala.

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): DeniedLower court upheld(This court did not make a ruling on  
all issues presented)

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

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- (e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: Petition for Rehearing, Petition for Certiorari Review, + 2 Supplemental Briefs in Support of
- 
- 

(3)

### GROUND THREE: Defective Indictment

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

Indictment was incorrect - 11th Circuit granted a certificate of appealability on this issue in 2nd Habeas Appeal of the Middle District - however ended ruling that issue had not been exhausted in 1st Rule 32.

FACT! ISSUE WAS EXHAUSTED IN DIRECT APPEAL in 1998+99

(b) If you did not exhaust your state remedies on Ground Three, explain why:

IT WAS EXHAUSTED!!

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:

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(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed: Antioch County Circuit Court, Prattville, Ala.

(Same court where I made 4 motions to have Judge Sibby Reynolds recused, + he refused 4 times) -

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

**Result (attach a copy of the court's opinion or order, if available):** \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes  No

was not allowed all by subpoenaed witnesses. Q refused to show.

(4) Did you appeal from the denial of your motion or petition?

Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Mont. Ala.

Docket or case number (if you know):

Date of the court's decision:

**Result (attach a copy of the court's opinion or order, if available):**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: Reply Brief (Which was filed but refused to apply — because Court said I had Attor. although She was fired — I was denied Due Process Without my Reply brief is  
GROUND FOUR: Unequal Protection of the Law

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

I WAS harassed on my own property by my brothers several times & brother (Chuck) was (criminally trespassing after being Warned Off by a deputy) — Courts presented Me but refused to do ANYTHING to either brother — although they were trespassing — tape recordings of then Grant Clerk stating NO Warrants on the brothers.

(b) If you did not exhaust your state remedies on Ground Four, explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(c) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_  
\_\_\_\_\_

**(d) Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 32

Name and location of the court where the motion or petition was filed:

Circuit Court, Prattville, Ala. Autauga County

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
\_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes  No

(4) Did you appeal from the denial of your motion or petition?

Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Ala. Court of Criminal

Appeals

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
\_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Exhausted Remedies!!

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

Direct Appeals —  
Thorough process, + Rule 32 — Appeals

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes  No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

\_\_\_\_\_

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

NO

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

2 HABEAS ( BOTH OF WHICH WERE FILED ON EXHAUSTION OF STATE REMEDIES )  
ALTHOUGH THE 4 ISSUES GRANTED BY THE 11TH CIRCUIT IN THE CERTIFICATE OF APPEALABILITY WERE EXHAUSTED IN DIRECT APPEAL.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes  No   
If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: WAS NOT ALLOWED ONE

(b) At arraignment and plea: DAVID ZIMMERMAN, (Court App.)

(c) At trial: WAS NONE

(d) At sentencing: Robert Martin,

(e) On appeal: Robert Martin.

(f) In any post-conviction proceeding: (denied Att. at first) Kimberly Griffin, Rule 32  
Lee Shultz - Rule 32 Appeal

(g) On appeal from any ruling against you in a post-conviction proceeding: Lee Shultz

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes  No  I am still Under a felony Conviction.

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: \_\_\_\_\_

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes  No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\*

*I have followed the Appeals Processes  
Consistently since 1998 - The 2nd It took  
the Federal Court took - almost 3 years to  
complete. A Second Rule 32 was filed  
wherein my EXHIBITS disappeared from  
the Court house file, I was denied a hearing  
as well as my Petition, it was completed  
through all the Appeals processes.  
I am filing this petition WITHIN ONE  
year of the last procedure in State  
Court.*

\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—
  - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

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Therefore, petitioner asks that the Court grant the following relief:

A new trial

or any other relief to which petitioner may be entitled.

*Inform  
Parper's*

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on WAS hand - delivered (month, date, year):

Executed (signed) on Sept. 14, 2007 (date).

*Ricky W. Murphree*

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

\* \* \* \* \*

PRO SE

Ricky Murphree  
1981 Amber Rose Dr.  
Prattville, Ala. 36067  
334-365-3617

## Supplement to Habeas, page 4, Section # 11(5)

Grounds Raised: In Supreme Ct. July 3, 1999.  
⇒ (1) Defective Indictment - Code of Ala. 13-2-100

Indictment Form 98 - Trespass after warning -  
(Concerning unequal protection of law with brothers  
abusing me on my own property).

⇒ Code of Alabama 13A-3-1 (Mental Disease or ~~Defect~~)  
⇒ Code of Alabama 13A-3-20 (Duress)

Kelly vs State, 1968

U.S. Constitution, Code 42, 1986

### Medical Experts in my Case

Helen Burdett, LPC, Mental Health Therapist

Mrs. Casu, Mont Area Mental Health Psychiatrist

George Clare - Autauga County Mental Health Therapist

Danny Ingram - Family Physician

Karl Kirkland - Ph.D. Clinical Psychologist

Fred Lerner, Scientist on P.T.S.D.

Roy N. Pasker, Mont Area Mental Health Psychiatrist

Carol Skelton, Ph.D. Licensed Psychologist who  
Administered Minnesota Multiphasic  
Personality Inventory Test - 2

Montgomery Area Mental Health Authority

CAT Thomas, M.S. LPC, Director Access.

Montgomery Area Mental Health Authority

Supplement to Habens, page 4, Section #11(5)  
continued...

② Coercion (page 2, 3, 5, 6,

3) Unequal Protection of law - brother trespassing  
afterwarning - page 3, 4, 8,  
9, 10

④ Mental Disease or Defect 3, 5, 7,

Ruby W. Murphy

EXHIBIT LIST FILED WITH 2nd

Rule 32  
Appealing Now, here

DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL

My "Pro Se" NOTICE OF APPEAL makes documentation to the issues that I was appealing and showed my INTENT TO APPEAL.

SEE: EXHIBIT ONE

"Notice of Appeal"

Lee Shultz was appointed Attorney of Record for my appeal. She neglected to list and address the following 3 issues in my appeal, although they are clearly listed in my Pro Se Notice of Appeal!!! This neglect, therefore, caused these issues to be PROCEDURALLY BARRED.

- 1) Ineffective Assistance by prior attorneys;
- 2) Defective Indictment;
- 3) Coercion.

SEE: EXHIBIT TWO

"Magistrate Federal Judge, Susan Russ Walker's RECOMMENDATION, pages 4 & 5." (Habeas).

Lee Shultz saw no reason to file a reply brief to the Attorney General's brief so I was put in the position to have to file my own reply brief, in order to get my issues on the record. I fired Ms. Shultz for her neglect as documented in my firing letter.

SEE: EXHIBIT THREE

"Letter from Lee Shultz"

SEE: EXHIBIT FOUR

"Firing letter of Lee Shultz"

Lee Shultz's Ineffectiveness and NEGLECT, PREJUDICED me throughout my Rule 32 Appeal, throughout the Alabama Court of Criminal Appeal's, throughout the Alabama Supreme Court and throughout my 2nd Habeas in Federal Court. My issues were barred procedurally, and therefore the EXHAUSTION OF STATE REMEDIES WAS IMPOSSIBLE!

*Ricky Murphy*

## EXHIBIT

ONE

EXHIBITS ONE  
THROUGH FOURPertain to 2nd  
Rule 32NOTICE OF APPEAL

Comes now Ricky Murphree, before the Autauga County Circuit Court, Alabama, to give notice of appeal for case #CC-98-124.60, taken to the Alabama Court of Criminal Appeals.

Ricky Murphree is appealing the following:

1) Judge Reynold's order, dated September 12, 2000 and filed on September 14, 2000, wherein he denied several claims of relief in a Rule 32 Petition.

- a.) Motion for Judge Reynolds to recuse himself  
(Denied)
- b.) Denial of Effective Assistance of Counsel  
(barred)
- c.) Newly discovered facts  
(denied)
- d.) Defective Indictment  
(fails)
- e.) Equal Protection of the law  
(fails)
- f.) False and slanderous charge on record  
(fails)
- g.) Conviction obtained by coercion  
(fails)

2) Judge Reynold's refusal to address in his order the following claims for relief stated in the Rule 32 Petition:

- a.) Denial of Preliminary Hearing
- b.) Judge Reynold's Colloquoy was not compliant  
(according to transcript by court reporter)
- c.) Judge Reynold's Unethical behavior with sheriff  
in participating in EX PARTE meetings prior and  
during proceedings of Ricky Murphree.

**EXHIBIT****TWO****FILED**

IN THE DISTRICT COURT OF THE UNITED STATES / 2003

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

RICKY WADE MURPHREE, )

)

Petitioner, )

)

7. )

CIVIL ACTION NO. 01-T-1166-N

DEPARTMENT OF PARDONS and )

PAROLES, *et al.*, )

)

Respondents. )

)

**RECOMMENDATION OF THE MAGISTRATE JUDGE****I. Introduction and Procedural History**

On October 3, 2001, the petitioner filed a 28 U.S.C. § 2254 petition for writ of habeas corpus attacking his 1997 conviction for criminal mischief entered against him by the Circuit Court of Autauga County, Alabama. He was sentenced to one year and one day of imprisonment. The petitioner's sentence was split and he was ordered to serve six months of imprisonment and two years of probation.

The petitioner appealed<sup>1</sup> and on April 30, 1999, the Alabama Court of Criminal Appeals affirmed the petitioner's conviction. On October 15, 1999, the Alabama Supreme Court denied the petitioner's application for a writ of certiorari. On November 15, 1999,

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<sup>1</sup>On direct appeal, the petitioner claimed that the trial court abused its discretion and violated his right to due process by refusing to conduct a hearing or allow him to withdraw his guilty plea based on his mental condition at the time of the offense charged. See *Attachment to Petitioner's Response dated May 9, 2002 (Doc. #24)*.

the Alabama Rules of Criminal Procedure, he fails to state a federal claim upon which habeas relief can be granted. The state court's interpretation of its own laws and rules provides no basis for federal habeas relief. *Beverly v. Jones*, 854 F.2d 412 (11<sup>th</sup> Cir. 1988).

### **B. Americans with Disabilities Act**

The petitioner maintains that the trial court violated the Americans with Disabilities Act. However, the petitioner's contention is not a challenge to his conviction and provides no basis for federal habeas relief. *See* 28 U.S.C. § 2254.

### **C. Procedurally Defaulted Claims**

The petitioner's claim that counsel was ineffective for causing his claims to be procedurally defaulted was never presented to the state courts. This claim is therefore procedurally defaulted. *See Teague v. Lane*, 489 U.S. 288 (1989); *Bailey v. Nagle*, 172 F.3d 1299, 1303 (11<sup>th</sup> Cir. 1999).

The petitioner's remaining claims of ineffective assistance of counsel and his claim that the indictment was defective were not properly raised on appeal of the denial of his Rule 32 petition. Although the petitioner raised these claims in a reply brief, the claims were not raised in the initial brief filed by appellate counsel. *See Baker v. State*, 683 So.2d 1, 4 (Ala.Crim.App. 1995) (An appellate court will not consider a *pro se* appellate brief when an appellant has an attorney). Therefore, these ineffectiveness claims are

EXHIBIT  
THREE

*Law Offices of  
Lee R. Shultz  
155 W. College Street  
Post Office Box 240338  
Eclectic, Alabama 36024-0338*

*Telephone (334) 541-2090*

April 27, 2001

Mr. Ricky Murphree  
1981 Amber Rose Drive  
Prattville, Alabama 36067

RE: Ricky Murphree v. State of Alabama

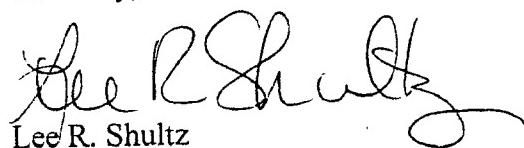
Dear Mr. Murphree:

I spoke with Sonya in the Clerk's Office of the Court of Criminal Appeals. She stated to me that you had been in contact with the Clerk's office and needed a copy of the Appellee's brief and you could not get in touch with me. I have not received any messages from you and my answering machine and voice mail are working properly. I received the enclosed letter from the Clerk's office yesterday and received a copy of the enclosed Appellee's brief in the mail today.

I have quickly reviewed the appellee's brief and did not find anything that I feel I need to respond to in another brief. Please review it and let me know if you feel I should respond to anything that I did not address in the initial brief. I will also review it again myself.

Let me know something. Thank you for your help.

Sincerely,

  
Lee R. Shultz

/lrs  
enclosures

EXHIBIT  
FOUR

May 8, 2001

Lee R. Shultz, Esq.  
P.O. Box 240338  
Eclectic, Ala. 36024

Dear Ms. Shultz:

Since you stated that you can see no reason to answer the Attorney General's Brief to the Court of Criminal Appeals, and since you stated in Appellant's brief that some of my issues had no merit, instead of finding case law to substantiate the merit, it is apparent that I will no longer be needing your services.

Thank you for the time you have invested in my case, and good luck to you in the future.

Sincerely

*Ricky Murphree*

Ricky Murphree  
1981 Amber Rose Drive  
Prattville, Ala. 36067  
334-365-3617

cc: Court of Criminal Appeals  
Attorney General, Bill Pryor

①

## 1st Rule 32 Extra Information &amp;

## Filings

Documents pages  
1-9  
Pertain to 1st  
Rule 32 filings

- 4 Motions for Judge Reynolds to Recuse
- 4/26/00, (denied 5/12/00)
  - 5/30/00 (denied 6/6/00)
  - 9/12/00 (<sup>oral</sup> motion made in court by Attorney Kimberly Griffin for Reynolds to recuse — ↴ Judge's denial).

4<sup>th</sup> Motion to Recuse was between 10/31/00 + 11/27/00 when an Emergency Petition for Writ of Mandamus was filed.

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Motions & Filings in Rule 32 Case.

- Rule 32 Petition filed 4/26/00
- Motion To Request Court-Appointed Attorney, filed 6/21/00
- Motion For Judgment of Default 6/21/00  
Against Respondents filed
- Judge set Petition & Default Motions 6/22/00  
for Court Day - 9-12-00
- Motion to Appoint Counsel - DENIED 6/28/00
- Motion to Reconsider Denial of Counsel 7/5/00
- Motion for "Judge's Determination as to the Protection of Indigent Petitioner's Rights in Hearing According to Alabama Rules of Criminal Procedure - Determination is Required" Filed

(2)

→ Objection to "Undated" States Answer 8/16/00  
 by Sam Partridge, FILED  
 (This was where the state went a  
 couple months or more (3½ months)  
 before filing an answer. No request  
 on file was made by the State for  
 an Extension of Time.  
Dates (Filed) 4/26/00 — Answer (undecipherable  
 between 8/17/00 + 8/16/00. — over 3mos.

→ Judge finally Appoints Attorney (Kim Griffin) 8/24/00  
 → 9/12/00 Rule 32 Hearing Held, 9 subpoenaed  
 witnesses failed to appear. Oral Motion by  
 Attorney to have Reynolds rese/c denied. Judge  
 didn't make ruling on "Motion for Default as  
 he had previously setup on 6/22/00 - and  
 therefore WAS OFF THE RECORD.

→ Attorney Griffin made "REQUEST FOR RULING on  
 Default" FILED — 9/22/00  
 → Judge denied Request for Ruling 9/25/00  
 ✗ (No Ruling was made about the  
 State being in Default) !!!!

(3)

→ "Objection To Subpoenaed Judge, Sibby Reynolds Hearing and Ruling on Petitioners' Rule 32 Petition / Objection to Judge using SUBPOENAED COURT REPORTER to Transcribe Proceedings" FILED 9/18/00

→ "Objection to Dill's Motion to Quash Subpoena  
"Dills APPEARANCE WAS NECESSARY TO CLEAR UP FALSE INFORMATION HE SUPPLIED FEDERAL DISTRICT COURT INVOLVING UNEXHAUSTED STATE REMEDIES THAT ARE IN DIRECT DISPUTE TO STATE PROSECUTOR, SUBPOENAED SAM PARTRIDGE'S ALLEGATIONS OF EXHAUSTED STATE REMEDIES" FILED 9/18/00

NOTE: William D. Dill's false information concerning Petitioner's EXHAUSTION OF STATE REMEDIES GOT PETITIONER DISMISSED

FROM 1<sup>ST</sup> FEDERAL HABEAS!!!!

\* HIS TESTIMONY WAS CRUCIAL TO CONTRADICT STATE PROSECUTOR SAM PARTRIDGE'S TESTIMONY, + VICE VERSA.

(4)

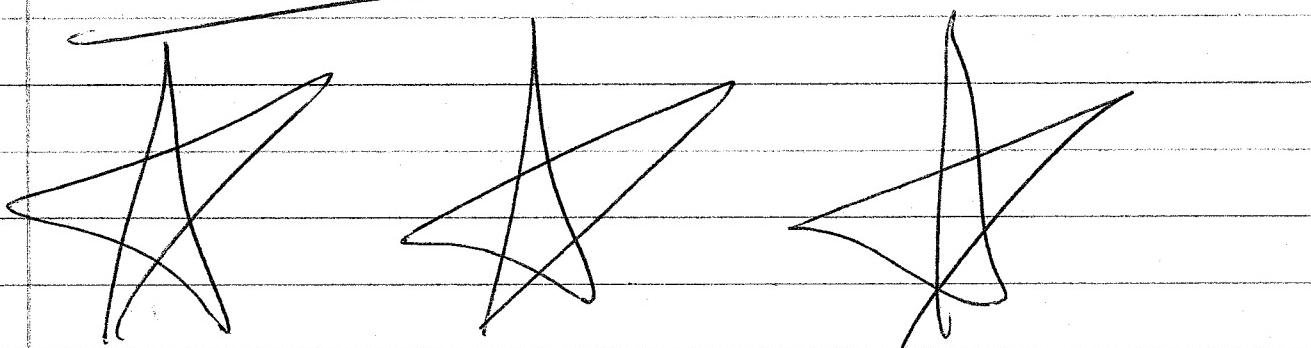
→ JUDGE REVIEWED OBJECTIONS + 10/19/00  
TOOK NO ACTION

→ NOTICE OF APPEAL FILED 10/12/00  
(This Notice was filed by Petitioner with  
all Issues on it that next appointed  
Attorney LEE SHULTZ waived

to Numerate & List on Appeal.

Therefore - ALL ISSUES NOT  
APPEALED BY LEE SHULTZ were  
PROCEDURALLY BARRED FROM THEN ON  
BY FUTURE COURTS !!!!!

Ineffective Assistance  
of Counsel



5

- MOTION FOR PINDING COURT SUBPOENAED  
WITNESSES WHO FAILED TO SHOW -  
IN CONTEMPT OF COURT  
FILED 10/25/00
- Judge sets date to hear Motion  
FOR CONTEMPT 10/31/00
- Motion for Recusal of Judge Reynolds  
from . PRESIDING OVER CONTEMPT  
HEARING - filed between 10/31/00  
+ 11/27/00. (Not shown on  
4th Case Action Summary)
- Judges Refusal to Reuse is also not  
noted on Case Action Summary.
- Emergency Motion For Stay Of Proceedings  
filed 11/27/00
- Emergency Petition For WRIT OR  
MANDAMUS FILED IN COURT OF  
CRIMINAL APPEALS & DOCUMENTED IN  
ANTALGA COUNTY CIRCUIT COURT 11/27/00
- Judge sets Motions to be heard on: 12/14/00  
12/13/00 ↙
- Court of Criminal Appeals Made Order 12/15/00

⑥ Reynolds Court Reporter files Request for Extension  
of TIME to complete Rule 32 TRANSCRIPT. (THIS  
PREVENTED PETITIONER FROM HAVING TRANSCRIPT AT  
CONTEmPT HEARING) — FILED — 12/7/00

→ JUDGE SIBLEY REYNOLDS files PERJURIOUS  
AFFIDAVIT TO Court of Criminal Appeals  
TO DEFEND HIS STAND FOR NOT RECUSING

himself — FILED 12/8/00

(In this Affidavit, Reynolds gave a  
false explanation of Petitioner's Motion  
for his Recusal; Reynolds gave false  
information about his appointment to  
the CIVIL SUIT Petitioner & wife had  
in Circuit Court at the same time;  
Reynolds gave false information specifically  
relevant to his EX PARTE with Sheriff  
Herbie Johnson, which is an ISSUE  
in the 1<sup>ST</sup> Rule 32; Herbie Johnson  
was ALSO 1 OF THE DEFENDANTS IN  
THE CONTEmPT HEARING — (although Johnson  
was present in the Rule 32 Hearing, he was  
being "held in Contempt" for NOT SERVING  
SUBPOENA on TONY THOMAS, who was  
crucial in the whole case.)

→ Petitioner's Answer to Respondents Response

FILED — 12/11/00

→ Judge holds Contempt Hearing & Refuses  
to Find Witnesses not appearing in Court 12/13/00  
in Contempt —  
ALL individuals that work within the Court system.

Reynolds Recused himself FROM  
PETITIONERS CASE CONCERNING  
Any FURTHER ACTION. Jan. 4, 2001  
AFTER HE DENIED EVERYTHING  
===== TO PETITIONER !!!

Federal MIDDLE DISTRICT OF ALABAMA  
2nd HABEAS —

Petitioner was drawn through over 2 years  
of Motions, Rulings, Etc. in this  
Court, with the ending "Recommendation  
OF THE MAGISTRATE JUDGE" (Susan Russ  
Walker). filed January 17, 2003

Judge Susan Russ Walker's Recommendation  
purely acknowledged INEFFECTIVE  
ASSISTANCE OF COUNSEL AT THE HANDS  
OF COURT APPOINTED ATTORNEY, LEE SHURTZ  
QUOTE "The Petitioner's remaining claims of Ineffective  
Assistance of Counsel and his claim that the  
Indictment was Defective WERE NOT PROPERLY  
RAISED ON APPEAL OF THE DENIAL OF HIS  
RULE 32 PETITION, . . . The claims were  
not raised in the initial brief filed by appellate  
counsel."  
=====

(8)

⇒ Magistrate Judge Walker also stated, "Although the Petitioner raised these claims in a reply brief, the claims were not raised in the initial brief filed by Appellee Counsel. (An Appellate Court will not consider a pro se appellate brief when an appellant has an attorney.)"

XXXXX However, Judge Walker is wrong on this issue because Petitioner/Appellant FIRED his Attorney and filed his own reply brief.

XXXX NOTE: See FIRING LETTER, which was marked EXHIBIT # FOUR in 2nd Rule 32 that Petitioner/Appellant is appealing at this time, in this Middle District Court of Alabama.

XXXX Also, The Court is wrong that those issues were not filed, because the record reflects that RICKY MURPHY, Petitioner, filed his own NOTICE OF APPEAL (before appointed an attorney), + it fully stated all the issues on Appeal.  
EXHIBIT ENCLOSED.

(9)

JUDGE MYRON THOMPSON UPHELD MAGISTRATE  
JUDGE SUSAN PUSS WALKER'S RECOMMENDATION.

\* PETITIONER APPEALED, JUDGE THOMPSON  
DENIED HIS MOTION TO APPEAL,

PETITIONER REQUESTED CERTIFICATE OF  
APPEALABILITY TO THE 11<sup>th</sup> CIRCUIT  
OF APPEALS. IT WAS GRANTED

11<sup>th</sup> Circuit's final order was that  
Petitioner had NOT EXHAUSTED ALL  
STATE REMEDIES. However the  
Record reflects that all 4 issues  
that the 11<sup>th</sup> Circuit granted a  
Certificate of Appealability for,  
WERE EXHAUSTED ON

DIRECT APPEAL IN 1998-  
1999.

Ruby W. Murphyee

10

Rule 32 Petitioner is filing  
Appeal on September 14, 2007  
IN MIDDLE DISTRICT OF ALABAMA

Pertain to 2nd  
Rule 32 appeal  
10-13  
Documents pages

Petitioner filed a 2nd Rule 32 (in timely fashion - one year from last ruling in the 11<sup>th</sup> Circuit Court of Appeals). This Rule 32 raised 2 issues.

- 1) Ineffective Assistance of Counsel by Lee Shultz.
- 2) Newly Discovered Facts, that Petitioner was Denied Right To SELF REPRESENTATION

4 EXHIBITS were filed.

→ ONE: Notice of Appeal

(This is the document Petitioner filed Pro Se when he was between attorneys Kimberly Griffin had withdrawn from case, and Lee Shultz had not been appointed yet.)

Notice of Appeal listed ALL ISSUES THAT Were being raised on Appeal. Several Issues Lee Shultz DID NOT ADDRESS.

→ TWO: "Magistrate Federal Judge, Susan Russ Walker's RECOMMENDATION, pages 4 + 5.

(11)

→ EXHIBIT THREE: "Letter from Lee Shultz"  
This was the letter wherein Ms Shultz  
saw no reason to . . . to Attorney General's  
Answer. — WHEREFORE she was FIRED  
and Petitioner filed his OWN Reply  
Brief — which was not accepted throughout  
the Court.

\* NOTE: This non-acceptance of  
Petitioner's reply brief was not  
discovered UNTIL he was in  
Federal Court on his 2nd Habeas.  
Therefore \* NEWLY DISCOVERED  
FACT!!!!

(This Newly Discovered fact was then  
brought before the Antigua County  
Circuit Court in a 2<sup>nd</sup> Rule 32  
WITHIN ONE YEAR of last ruling in  
the 2<sup>nd</sup> FEDERAL HABEAS +

IN A TIMELY FASHION +  
ACCORDING TO THE RULES OF  
PROCEDURE !!!

(12)

\* Please Note that EXHIBIT 3  
walked out of the Courthouse files,  
and Petitioner filed the proper  
motion to Supplement the Record with  
the same exact Exhibit (copy).

This motion was denied by Judge  
Ben Fuller,

→ Another 2<sup>nd</sup> Motion was then  
directed to the Court of Criminal  
Appeals to Supplement the Record  
with re-entering a copy of EXHIBIT 3  
Lee Shultz's letter showing Ineffectiveness.

However, Bucky McMillan denied  
this motion also.

→ EXHIBIT FOUR: FIRING LETTER OF  
LEE SHULTZ.

\* THERE IS NO QUESTION THAT  
PETITIONER WAS CLEARLY  
REPRESENTING HIMSELF AT TIME  
OF FILING HIS OWN REPLY BRIEF !!

(13)

APPEAL WAS FILED - BY PetITIONER

BRIEF FILED BY APPELLEE 9/15/05

REPLY BRIEF FILED BY PETITIONER 9/19/05

MEMORANDUM ENTERED BY SUEBELL  
COBB ON 4/21/2006

APPLICATION FOR REHEARING filed 5/4/2006

Application Overruled 5/12/2006

PETITION FOR WRIT OF CERTIORARI 5/25/2006

DENIAL OF WRIT + CLOSE OF RULE 32 09/15/2006

PETITIONER HAS BEEN

PROCEDURALLY BARRED Repetitiously

SINCE 1998 - although filings

have been on time

DENIAL OF DUE PROCESS!!

Ricky W. Omushee

**EXHIBIT h.**

OFFICIAL INFORMATION  
CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

DATE: CC 1998 000124a 60

RUN DATE: 05/11/2000

JUDGES: S-R

ALABAMA COURT OF APPEALS

STATE OF ALABAMA

103

MURPHREE RICKY  
1981 AMBER ROSE DRIVE

## Case Action Summary

CASE# CC 1999-000124, 60

PRATTVILLE, AL 36067 0000

DOB: 04/10/1955 SEX: M RACE: W HT: 5 11 WT: 200 HR: 10  
SSN: 418785128 ALIAS NAMES: Rule 32 #1  
CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
DEFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS:  
DATE INDICTED:  
DATE RELEASED:  
BOND AMOUNT: \$, .00

DATE ARRESTED:  
DATE FILED: 04/26/2000  
DATE HEARING:  
SURETIES:

DATE 1: DESC  
DATE 2: DESC

TIME: 0000

## TRACKING MUSEUMS

TYPE: Appt.

### TYPE "B"

PROSECUTOR: PARTRIDGE SAMUEL SCOTT

00000

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY:  
COURT REPORTER: SID NO: 000000000  
DEF STATUS: BOND DEMAND: OPER: DEM

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
4/26/00	Petition for Relief from Conviction or Sentence filed (Denied Preliminary Hearing, Judge's Colloquoy Not Compliant, Conviction Obtained by Coercion, Unethical Behavior Between Sheriff & Judge, False and Slanderous Charge on Record, Denial of Effective Assistance of Counsel, Equal Protection of the Law Denied, Defective Indictment, Newly Discovered Facts)	
4/26/00	Motion for Judge Reynolds to Recuse Hissel filed <i>Motion for Judge Reynolds to Recuse - denied (SL)</i>	
5-12-00	<i>Copy to Deft's Wife</i>	
5-12-00	<i>Copy to DA</i>	
5-16-00		
5/30/00	Affidavit of Substantial Hardship filed	
5/30/00	Motion to Reconsider Judge's Refusal to Recuse Hissel: Judicial Canon of Ethics Involved: Canons, Two, Three and Seven <i>Motion to reconsider refusal to recuse - denied (SL)</i>	
6-6-00	<i>Copy to Deft's Wife + DA</i>	
6-6-00		

## EXHIBIT #32 INFORMATION CENTER

SEARCH SUMMARY  
CONTINUATIONCASE# CC 1998 000124.60  
JUDGE ID: S-R

STATE OF ALABAMA

VS MURPHREE RICKY

DATE

ACTION, JUDGMENTS, CASE NOTES

Page 2

6-12-00 | Order Granting Affidavit of Substantial Hardship

6-13-00 | Copy of CAS to Deft.

6-21-00 | Motion To Request Court-Appointed Attorney filed

6-21-00 | Motion For Judgment Of Default Against Respondents filed

✓ 6-22-00 | Rule 32 Petition and Motion for Judgment by Default is all set  
for hearing at 9:00 on 9-12-00 (SR)

6-26-00 | Copy to Deft's Wife

6-28-00 | Copy to DA

6-28-00 | Motion to Appoint Counsel for Rule 32 Petition - denied (SR)

6-29-00 | Copy to Deft &amp; DA

7-5-00 | Motion to Reconsider Denial of Court-Appointed Counsel to  
| Indigent Rule 32 Petitioner filed

8/7/00 | Motion for Judge's Determination as to the Protection of

| Indigent Petitioner's Rights in Hearing According to Alabama Rules  
| of Criminal Procedure Determination is Required filed

8/7/00 | Subpoenas requested by deft filed

8/14/00 | State's Answer filed

8/16/00 | Objection To Undated State's Answer By Sam Partridge filed

8/24/00 | Court Appoints Hon. Kim Griffin to represent Ricky Murphree in this  
| pending Rule 32 Petition (SR)

8-24-00 | Copy of Rule 32 file to Griffin

8-24-00 | Copy of CAS to DA &amp; Deft

9-8-00 | Motion to Quash filed

9-12-00 | Petition for Rule 32 hearing held, on record, Oral Motion for Judge  
| Reynolds to recuse, denied, issue taken under advisement (SR)

9-12-00 | Copy to DA &amp; Deft

9-14-00 | Order on Rule 32 Petition filed

9-14-00 | Copy to Partridge, Griffin, Deft

9-22-00 | Request for Ruling filed

9-25-00 | Request for Ruling on default - denied (SR)

9/18/00 | Objection to Subpoenaed Judge, Sibley Reynolds, Hearing

| and Ruling on Petitioner's Rule 32 Petition / Objection to

1362 ALABAMA JUDICIAL INFORMATION CENTER

**CASE ACTION SUMMARY  
CONTINUATION**

CASE# CC 1993 000124..60  
JUDGE TO: S-R

DATE	ACTION, JUDGMENTS, CASE NOTES	vs MURPHREE RICKY	Page 3
	Judge Using His Subpoenaed Court Reporter to Transcribe		
	Proceeding ..... filed		
9/18/00	Objection to Dill's Motion to Quash Subpoena / Dill's   Appearance was Necessary to Clear up False Information   He Supplied Federal District Court Involving Unexhausted   State Remedies that are in Direct Dispute to State Prosecutor,   Subpoenaed Sam Partridge's Allegations of Exhausted State   Remedies filed		
9-25-00	Attorney's Fee Declaration filed		
10-19-00	Court reviewed two objections filed 9-18-00 - No action necessary, no   action taken (S)		
10/12/00	Notice of Appeal filed		
10/13/00	Court of Criminal Appeals Docketing Statement filed		
10/13/00	Reporter's Transcript Order--Criminal filed		
10/18/00	Notice of Appeal to the Alabama Court of Criminal Appeals by   the Trial Court Clerk		
10/20/00	Motion to Withdraw filed		
10/20/00	Order filed - Motion to Withdraw Granted		
10/24/00	Copy to Partridge, Griffin, Deft		
10/25/00	Motion for Finding of Contempt filed (Indv fail to comply with subpoena)		
10/25/00	Motion for Finding of Contempt filed (Sheriff)		
10/25/00	Motion for Finding of Contempt filed (Dill)		
10-30-00	Motion for Court-Appointed Attorney on Appeal filed		
10-31-00	Motions for Contempt Set 12-13-00 @ 9:00 am (S)		

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY  
CONTINUATIONCASE# CC 1998 000124.60  
JUDGE ID: S-R

STATE OF ALABAMA VS MURPHREE RICKY

DATE ACTION, JUDGMENTS, CASE NOTES

Page 4

11-17-00	Copy to Partridge, Shultz, Deft
11/27/00	Emergency Motion for Stay of Proceedings filed
11/27/00	Copy of Emergency Petition for Writ of Mandamus filed
11/27/00	Copy of Emergency Petition for Writ of Error filed
11/28/00	Motion for Stay of Proceedings filed
12-4-00	Motions as filed all set 12-13-00 (SR)
12/5/00	Order from Court of Criminal Appeals - 2
12/8/00	Affidavit filed (Judge Reynolds)
12/7/00	Request for Local Extension of Time to Complete the Reporter's   Transcript / Trial Court Action filed (12/8 Copy to CCA)
12/11/00	Petitioner's Answer to Respondent's Response filed
12-13-00	Case called on Petition for Contempt - argument heard, statements heard,   Upon hearing the argument, Court does not find contempt for the   witnesses not appearing at the Rule 32 hearing. Case dismissed (SR)
12-15-00	Copy to Deft, DA
12-14-00	Order from Court of Criminal Appeals filed
12-18-00	Emergency Petition for Writ of Mandamus / Appeal   De Nova from the Court of Criminal Appeals of Alabama filed
12-28-00	Written Notice of Appeal filed (Contempt Hearing)
12-28-00	Court of Criminal Appeals Docketing Statement filed
12-28-00	Reporter's Transcript Order -- Criminal filed
1-4-01	I hereby recuse myself from any further action in this case (SR)
1-11-01	Transcript Mailed to CDA
1/11/01	Notice of Appeal to the Alabama Court of Criminal Appeals by   the Trial Court Clerk (Motion for Contempt Hearing)
1/23/01	Certificate of Dismissal filed (Motion for Contempt Hearing)
2/8/01	Order from Supreme Court filed
2/15/01	Order & Copy of Motion from Court of Criminal Appeals filed
3/28/01	Order on Motion to Correct Record on Appeal filed
3/29/01	Copy to CCA, AG, Atty
5-18-01	Memorandum Received

DUPLICATE

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000441  
Cashier ID: brobinso  
Transaction Date: 09/14/2007  
Payer Name: DEBBIE MURPHREE

---

WRIT OF HABEAS CORPUS  
For: RICKY WADE MURPHREE  
Case/Party: D-ALM-2-07-CV-000832-001  
Amount: \$5.00

---

CASH

Amt Tendered: \$5.00

---

Total Due: \$5.00  
Total Tendered: \$5.00  
Change Amt: \$0.00